

REMARKS/ARGUMENTS

This Amendment is submitted to in response to the Office Action dated June 3, 2005. Claims 1-40 are pending. Claims 1, 8, 13, 21, 20, and 33 have been amended, claims 3, 18-20, 24, and 30-39 have been canceled, and new claim 41 has been added. Consequently, claims 1, 2 4-17, 21-23, 25-29, and 40-41 remain pending in the present application.

Independent claims 1 and 21 have been amended to include the recitations of the canceled claims 3, 18-19, and 24, 38-39, respectively. Independent claims 1 and 21 have also been amended to recite "presenting the consumer with image adjustment options," and "receiving an order for a print corresponding to an image viewed on said device visual display screen along with the image adjustments specified by the user; and using the image adjustments to process the print order." Support for the amendment may be found in the Specification, such as on page 7, lines 15-23, and on page 8, lines 1-6 for example.

Claims 8 and 28 have been amended to replace "that" with "than," and claims 13 and 33 have been amended to recite "a computer", rather than "the computer," as requested by the Examiner.

New claim 41 has been added, which incorporates the limitations of claim 1, 11 and 12. Support for the phrase "so that when a lab attendant picks up a phone, the job attendant has substantially immediate reference to the job," can be found in the Specification on page 7, lines 6-13. Accordingly, no new matter has been entered.

The Examiner rejected claims 1-4 6-7, 10, 13-17, 20-24, 26-27, 30, 34-37 and 40 under 35 USC §103(a) as being unpatentable over McIntyre (6,587,839) in view of Schaeffer et al. (6,701,302). The Examiner rejected claims of 5, 9, 25 and 29 under 35 USC §103(a) as being unpatentable over McIntyre and Schaeffer in view of Helferich (6,636,733). The Examiner rejected claims 8, 11-12, 28 and 31-33 under 35 USC §103(a) as

being unpatentable over McIntyre and Schaeffer in further view of Kung et al. (6,570,583). The Examiner rejected claims 18-19 and 38-39 under 35 USC §103(a) as being unpatentable over McIntyre and Schaeffer in further view of Komiyama (6,690,955).

Amended claim 1 recites a method relating to photographic film processing that allows a consumer to preview images of developed film sent from a film developer to a wireless device of the consumer that is equipped with a visual display. When the film is developed, a message is sent to the wireless device “notifying the consumer that a print of the image can be ordered or the print is ready for pickup.” The consumer is then presented “with image adjustment options that allow the user to perform at least one of adjusting an image color, and manipulating a color border for an image.” An order for a print is received “corresponding to an image viewed on said device visual display screen along with the image adjustments specified by the user,” and the image adjustments are then used to process the print order. The references cited by the Examiner fail to teach or suggest, singularly or in combination, the combination of elements recited in the independent claim 1 and as similarly recited in 21.

In the rejection of claims 18-19 and 38-39, the Examiner stated “McIntyre and Schaeffer do not disclose explicitly, display allowing a user [sic] adjust an image color. The Examiner cited Komiyama col. 3, lines 60-67, col. 4, lines 1-4 and 33-41 for teaching an interactive display that allows a user to adjust an image color. Applicant respectfully disagrees. The cited portions of Komiyama only recite:

A control unit 8 provides initial setting of the color registration memory 12 by allowing the user to register a plurality of desired *blend colors* with which the LCD panel 2 will be illuminated by a background lighting arrangement when a call is received. During color assignment mode, control unit 8 allows the user to store colors identities such as personal or public names in the colors memory 13 and a maps corresponding blend colors to the caller's identity.

It is respectfully submitted that the disclosure of allowing a user to choose blend colors for background lighting and for association with caller's identity fails to teach or suggest "presenting the consumer with image adjustment options that allow the user to perform at least one of adjusting an image color, and manipulating a color border for an image," as recited in claims 1 and 21.

Not only does the combination of McIntyre, Schaeffer and Komiyama fail to teach or suggest "presenting image adjustment options" to the consumer, the combination fails to teach or suggest "presenting image adjustment options" *after* the digital image data is received on the portable device with a message notifying the consumer that a print of the image can be ordered or the print is ready for pickup, as claimed. Although the Examiner points out that McIntyre discloses order placement screens that are displayed to the customer for ordering prints, the combination of McIntyre, Schaeffer and Komiyama fail to teach or suggest allowing the user to effectively edit the image and change what will be printed by "using the image adjustments specified by the user" "to process the print order."

Claim 21 is similar to claim, but recites a photographic service facility that receives digital image data and derives a second digital image data from said first digital image data, and transmits the second digital image data to the portable device. As in claim 1, claim 21 also recites "transmitting a message to said first portable device notifying a consumer that a print of the image can be ordered or the print is ready for pick-up; presenting the consumer with image adjustment options that allow the user to perform at least one of adjusting an image color, and manipulating a color border for said second digital image data; receiving an order for a print corresponding to the second digital image data viewed on said device visual display screen along with the image adjustments specified by the user; and using the

image adjustments to process the print order.” Therefore, it is believed claim 21 is allowable over the cited references for reasons similar to that of claim 1.

Referring now to new claim 41, claim 41 recites:

A method relating to photographic film processing comprising:
developing photographic film to produce a developed film;
scanning said developed film at a service facility to create digital image data;

transmitting said digital image data through a network from said service facility to a first cell phone including a display for visual display of an image, and transmitting to said first cell phone a message notifying a consumer that a print of the image can be ordered or the print is ready for pick-up; and

displaying an icon on said first cell phone display, wherein the selection of said icon automatically causes said first cell phone to be communicatively connected with a service facility, such that an instruction is sent to a computer at said service facility for requesting that the consumer's job data be placed on a computer monitor screen so that when a lab attendant picks up a phone, the job attendant has substantially immediate reference to the job.

It is respectfully cemented that none of the cited references, singularly or in combination, teaches or suggests “displaying an icon on said first cell phone display, wherein the selection of said icon automatically causes said first cell phone to be communicatively connected with a service facility, such that an instruction is sent to a computer at said service facility for requesting that the consumer's job data be placed on a computer monitor screen so that when a lab attendant picks up a phone, the job attendant has substantially immediate reference to the job,” after the transmittal of images to the cell phone from the service facility with a notice stating that prints of the image can be ordered, as claimed.

In view of the foregoing, it is submitted that claims 1, 2 4-17, 21-23, 25-29, and 40-41 are allowable over the cited references. Because the secondary references stand or fall with the primary references, claims are allowable because they are dependent upon the

allowable independent claims. Accordingly, Applicant respectfully requests reconsideration and passage to issue of claims 1, 2 4-17, 21-23, 25-29, and 40-41 as now presented.

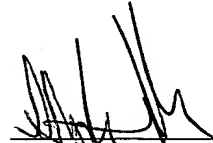
Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

SAWYER LAW GROUP LLP

September 6, 2005

Date



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